



# PAPER B

Purpose: For Decision

## Committee report

Committee	<b>APPEALS SUB-COMMITTEE</b>
Date	<b>13 SEPTEMBER 2013</b>
Title	<b>PROPOSED REGISTRATION OF LAND AT YARMOUTH RECREATION GROUND, 'THE REC' YARMOUTH, AS A TOWN OR VILLAGE GREEN.</b>
Report of/to	<b>REPORT OF DIRECTOR OF ECONOMY &amp; ENVIRONMENT</b>

### EXECUTIVE SUMMARY

1. Members are asked to decide whether a town or village green status should be placed on land known as Yarmouth Recreation Ground, 'The Rec' Yarmouth.
2. Evidence for and against has been submitted by applicant and objectors and, in considering the evidence, it is thought that not all the land requested to be a village green fulfils the necessary four tests, and therefore only part of the land should be registered as a village green.
3. If land is registered it confirms the existence of customary rights of recreation for the inhabitants of the locality over that land. However, it should be noted that this does not prevent the land owner from using the land in the manner they had done during the 20 year period described in the application.

### BACKGROUND

4. The Isle of Wight Council, as registration authority, has received an application to register land known as Yarmouth Recreation Ground, 'The Rec' Yarmouth, as a town or village green.
5. The application was made Mr Peter Lawrence Scott on 07 September 2009 under Section 15 of the Commons Act 2006.
6. There is no statutory timescale for determining village green applications as such there may be some delay between submission and determination, this is due to the fact that applications are only worked on when resources allow.
7. A paper summarising the background and the statutory requirements for the registration of a town or village green is attached at Appendix A
8. The application and accompanying documents is attached at Appendix C

9. The application claims that the land known as Yarmouth Recreation Ground, 'The Rec' Yarmouth became a town or village green on 07 September 2009 with use continuing 'by the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years'.
10. The applicant has submitted 27 evidence questionnaires in support of his application; these can be found, along with the summary, in Appendix D.
11. Following advertisement of the application two letters of support were received; these can be found with, along with the summary, in Appendix E.
12. Following advertisement of the application the objectors requested extensions to the period; this was extended until the 01 February 2010, two letters of objection were received opposing the registration of the land as a village green. These can be found, along with the summary, in Appendix F.
13. Responses by the applicant and the mayor of Yarmouth at the time can be found in Appendix H.

#### LOCATION AND SITE CHARACTERISTICS

14. The land which is the subject of the application is shown edged in a dotted black line on Plan A in Appendix B to this report. The total area of the land is approximately 1.19 hectares / 2.94 acres. The applicant refers to the land as 'The Rec'.
15. The land is made up of a mown grass area covering approximately two thirds of the total land, there are unmown areas to the edges with trees and shrubs and a 'wild' tree/scrub area covering approximately one third of the total area. The boundary is made up domestic properties on the east and west sides, to the north are domestic properties and a road, to the south are domestic properties and the area of scrub and fields.
16. Access to the land is by two entranceways, one being from the junction of Station Road/Victoria Road adjacent to some houses. The second access way is from Tennyson Close adjacent to the pavilion, it is of an open pedestrian gap next to a locked farm-style metal gate.
17. The land contains a wooden pavilion/changing rooms managed by the football club, Area V on Plan B in Appendix B. Adjacent to the pavilion there is a fenced children's play area, Area W on Plan B in Appendix B. The main grassed area is marked up as a football pitch, Area X on Plan B in Appendix B.
18. This area is within the Area of Outstanding Natural Beauty (AONB). The wood/scrub area to the south is bounded by, but not included in, a Site of Special Scientific Interest (SSSI).
19. The area surrounding the land comprises of a mix of a substantial number of residential properties, rough ground and a minor road serving Tennyson Close.

#### HISTORY

20. A brief history of the land, from information given, is as follows: The Land Registry (LR) official copy, edition dated 05/10/2007, shows Title Absolute is to David George Kennett of Harbour Cottage, Bridge Road, Yarmouth, Ian Francis Dallinson of Millstream Cottage, Station Road Yarmouth, Bernard James Tucker of Capri, Station Road, Yarmouth, Isle of Wight and Michael John Hardy Hammond of Norton House, Pixley Hill, Freshwater, Isle of

Wight, being Trustees of the Yarmouth Town Trust. There is no record on this LR copy of previous ownership; therefore it is thought that previous to this date the land had not been registered.

21. The ownership of the land was passed to the Yarmouth Town Trust under a Scheme (Exhibit LR3 in the Yarmouth Town Trust objection, in Appendix F) in 1890. In 1835 the land had been leased to the Squires family for a period of 99 years to 1934. In 1931 the last 3 years of that lease was acquired with public subscription for use by the public. The Town Trust had leased the land, in a series of leases since 1958, to Yarmouth Town Council, who further licence the land to Calbourne & Yarmouth Football Club.

### STRATEGIC CONTEXT

22. As registration authority, the council has a duty to fairly dispose of the application on its merits and furtherance of council policy objectives is not relevant.

### FORMAL CONSULTATION

23. In the process of considering this application the following consultation has been carried out.

24. Public Advertisement

In accordance with the requirements of the 2006 Act the application was advertised by notices placed on site and also in the County Press in November 2009. Public copies of the application were available at County Hall, Seaclose Offices and Freshwater Library (there being no library in Yarmouth) for the duration of the objection period until January 2010.

25. Relevant Council Departments

Notice of the application was sent to Local Land Charges, Property Services, (Community Development (Parks & Beaches) Countryside Services and Highways.

26. Parish and Town Councils

Notice of the application was sent to Yarmouth Town Council.

27. Local Member

Notice of the application was sent to the local member at the time of the application.

### FINANCIAL / BUDGET IMPLICATIONS

28. The financial implications of any village green application are variable depending on the chosen method of assessment of the application. The only costs that remain constant in all such applications are the advertising costs in the consultation process of approximately £90.
29. The land subject of this application is owned and maintained by a number of private owners. There will be no financial implications to the council in this respect.
30. The variable costs might be the cost of commissioning an independent inspector's report which could amount to around £5,000 or the cost of holding a non-statutory public inquiry

which could be in the region of £25,000 (depending on the length of the inquiry and the number of witnesses).

31. There is no provision in the village green budget for the cost of a review by an independent inspector or public inquiry. The council, as the registration authority, has a statutory duty to determine village green applications. The committee must decide the application on its merits using whatever procedure it considers best suited for the purpose. It is proper that the committee is made aware of the possible financial implications of the alternative options but identifying a source of funding should not influence its decision.

### CARBON EMISSIONS

32. There will be no change in the carbon emissions in the determination of this application.

### LEGAL IMPLICATIONS

33. The general legal situation in regard to town and village greens is included in the summary attached at Appendix A
34. The application has to be determined on the evidence in accordance with the legislation cited above. The courts have provided useful guidance on how to interpret the relevant statutory provisions of the criteria for registration. If members find the application satisfies all the statutory conditions then the application must be accepted and the land must be registered as a town or village green. If the applicant has failed to meet any one of the statutory conditions then the application has to be rejected.
35. If members are unable to determine the application, an independent inspector can be appointed to consider the evidence and prepare a report back to the committee providing a recommendation on whether the land should be registered. However, it is important that members note the appointment of an inspector is to assist the council in its registration function. Responsibility for determination remains with the committee throughout.
36. In January 2004 the High Court considered the question of decision-making in respect of a part of an application. In the case of Oxfordshire County Council, Oxford City Council and Catherine Mary Robinson, the Honourable Mr Justice Lightman confirmed that the 1969 Regulations made no provision for amending the application or accepting the application with modifications. He held that it is the duty of the Registration Authority to determine the status of the land the subject of the application but stated that there was no reason why there should not be registration of a lesser area than that shown on the application if there is no substantial difference, and there may be no difference if the reduction in the area causes no irreparable prejudice to third parties.

### Implications under the Human Rights Act

37. Article 1 of the first protocol – The use of land registered as a village green is severely limited so far as the landowner is concerned. The owner of the land may object on the grounds that it is an infringement of his human rights to the peaceful enjoyment of his possessions. However, although the registration of the land as a green restricts the use of a landowner, it does not deprive him of legal ownership and his interests must be balanced with the public interest. This right is a qualified right and although registration may infringe his enjoyment of his land, this is permitted as it would be necessary by virtue of the legislative provisions.

38. Article 6 – Any decision taken by the council is subject to subsequent control by judicial review if unlawful, irrational or unreasonable. This therefore provides for an appropriate appeal mechanism and satisfies the article.

## EQUALITY AND DIVERSITY

39. The council as a public body is subjected to taking due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people, this is known as the Equality Duty. Equality and diversity issues have been assessed through an equality impact assessment. It is considered that there will be no impact to any of the groups noted under the Equality Act 2010 (protected characteristics: age, disability, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex and sexual orientation).
40. If the application is dismissed the implications are that access to the land in question can be prohibited to local members of the public.
41. If the application is partly or completely upheld it will prevent the owners of the permitted land from developing it or using the land in a way that would exclude members of the public using the land for legal sports or pastimes, and the council have considered the equality implications through the equality impact assessment process. Registration may have an impact on the future potential value of the land, however, it would not prevent the land being used in the manner it was in the 20 year period as detailed in the application and would not devalue it beyond its current value for its use during the 20-year period.

## SECTION 17 CRIME AND DISORDER ACT 1998

42. It is not anticipated that the options placed before the committee will have any implications under the Crime and Disorder Act 1998.

## OPTIONS

43. Options open to the committee are: If:
- The application satisfies all the statutory conditions for registration – the land may be registered as a town or village green.
  - The application fails to satisfy one or more of the statutory conditions for registration – the application must be rejected.
  - Only part of the land satisfies all the statutory conditions for registration – that part of the land may be registered as a town or village green
  - The evidence is contradictory – the application may be referred to an independent inspector to review the evidence and, if appropriate, seek additional or oral evidence or hold a non-statutory public inquiry. The recommendation of the inspector can then be reported back to the committee for decision.

## RISK MANAGEMENT

44. A considerable volume of evidence has been submitted and the parties have had an opportunity to comment on the body of evidence produced. All evidence submitted to the

council at the time of writing has been accepted and considered. The application must be determined strictly on legal issues and evidence.

45. If the application is rejected the applicant can seek a judicial review if he or she believes the decision was wrong in law or procedurally improper.
46. If the application is accepted, any person aggrieved by the registration of the land as a town or village green has a right of appeal to the High Court which may quash the decision if he can satisfy the court that a mistake has been made or if the court deems it just to rectify the register.

## EVALUATION

47. The application is made under section 15 of the Commons Act 2006.
48. The statutory conditions for the land to be registered as town or village green is that the land has been used:
  - by a significant number of inhabitants of any locality, or of any neighbourhood within a locality;
  - for lawful sports and pastimes;
  - as of right;
  - for not less than twenty years.
49. For the claim to succeed the applicant must prove that, on the balance of probabilities, all four statutory conditions are met. If any one condition is not proven then the application must fail. Each part is evaluated in turn:
50. A significant number of inhabitants of any locality, or of any neighbourhood within a locality

The term “*significant number*” has never been defined but it has been accepted that it did not have to be a substantial or considerable number. What is relevant is that the land is used by inhabitants in general rather than occasional use by just a few individuals as trespassers. If a neighbourhood is small then only a handful of users may suffice provided they can give evidence of their own and others observed using the land during the 20 year period.

The “*locality*” or “*neighbourhood*” must be an identifiable area. It can be a parish, a village, a town or some other area that can be recognised as a community in its own right.

- a) Applicant’s evidence

The application has been submitted with 27 questionnaires in support to be used as evidence to justify ‘The Rec’ being registered as a village green. All of these give addresses that show them to live in the parish of Yarmouth. The applicant’s questionnaire asks ‘what activities have you seen carried out on ‘The Rec’ and all 27 list activities that they have seen others carrying out. This list of activities is in Appendix D.

- b) Objector’s evidence

There is only one objection regarding ‘The Rec’ being used by a significant number of the local inhabitants. This being that two of the supporters of the application are said not to live at the address given but rent the property out, and live in Bouldnor.

c) Evaluation of the evidence.

The locality detailed in the application is the parish of Yarmouth, and to satisfy this criterion it is necessary for applicant to demonstrate that a significant proportion of Yarmouth use 'The Rec'. From looking at the evidence it is seen that only 27 members of the public have written in support of the application. This in itself is only a small proportion of the population of Yarmouth. However in all the questionnaires it is stated that they have seen others using the area. This would increase the number to a far higher proportion and given its location in the area in question (detailed on the maps submitted with the application). It is also seen that the general consensus of all objectors' or supporters' information that this is a piece of open ground made accessible to the locals. Because of this it is thought that a significant proportion of locals would use it for pastimes and recreation.

## CONCLUSION

The applicant does appear to **have proven** that, on the balance of probabilities, 'The Rec' is used by a significant number of inhabitants of a locality or neighbourhood within a locality for the purposes of the definition of Section 15(2) of the Commons Act 2006.

51. For lawful sports and pastimes

The term "*lawful sport and pastimes*" can include all manner of activities, organised or unorganised, formal or informal, continuous or intermittent, all year round or seasonal. Activities such as walking with a dog, playing with children, studying wildlife, picking blackberries and strolling about are all acceptable activities for a modern village green.

a) Applicant's evidence

The application and supporting questionnaires describe a number of activities that are undertaken on the site and that can be described as lawful sports and pastimes. These range from walking and dog walking to practise casting for fishing and tree climbing. The full list of activities is detailed in the summary of statements in Appendix D. It should be noted that some statements state that the area was used as a short cut. This is not considered a lawful sport or pastime.

b) Objector's evidence

There is no opposition from the objectors to the claim that lawful sports and pastimes have been carried out on 'The Rec'. However it is noted that signs are in place on the both gates to the site precluding the use of the area for cycling, vehicles and horse riding.

c) Evaluation of the evidence

Whilst signs on the gates to 'The Rec' stated the use of the area for certain activities was not allowed this would only remove cycling from the list of activities said to have been carried out. Of the remaining list there appears to be ample written evidence to show the land has been used for lawful sports and pastimes. The letters submitted in support of the application provide details of activities that have taken place and are sufficient to establish the existence of lawful sports and pastimes.

## CONCLUSION

On the basis of the written evidence submitted, the applicant appears to **have proven** that, on the balance of probabilities, 'The Rec' has been used for lawful sports and pastimes for

the purposes of the definition of Section 15(2) of the Commons Act 2006.

52. As of right

The term “*as of right*” requires the applicant to prove that those using the land for recreation have done so without force, without secrecy and without permission. The land must be easily accessible (not gained by breaking down fences) and the use be carried out openly (not by stealth or only by night). The landowner must be aware of the use and have done nothing to neither object to or prevent the use nor have consented to the use.

a) Applicant's evidence

The questionnaires produced as evidence in support of the application provide detailed information about the use of ‘The Rec’ for lawful sports and pastimes. All the evidence indicates that the inhabitants have carried out various recreational activities openly without anybody trying to stop them.

b) Objector's evidence

The objectors give several reasons as to why the land has not been used as of right.

The owners Yarmouth Town Trust state that the land was bought for the people of Yarmouth for their leisure use. For this reason Yarmouth Town Trust state that they have permitted the use of the land for leisure and recreation. As such the use is permissive and not as of right.

There are signs at each entrance to the site, which state the Town Council lease the land off the Town Trust and regulate its use.

The pavilion and changing rooms are not available to the general public as they form part of the lease to the football club. (The pavilion is the area near to where the children’s playground is situated.) It is thought that their distinct specific use of this part of ‘The Rec’ demonstrates that consent has been given to use it and can not be used as of right. The changing room is also kept locked when not in use.

Certain persons state in their evidence that they do not know who owns the land. Yet through association with the trust they would and be aware of ownership and that its use is permissive.

The Trust leases the land to Yarmouth and Calbourne Football Club who use it for football matches and training sessions. For this reason during the times football matches and training sessions are taking place the locals give up their right the use of the football pitch in favour of the footballers.

c) Evaluation of the Evidence

The objector's reasons why the land has not been used “as of right” are that they say the use of the land was permissive and that the right has been given up in deference to the footballers during match times. They have given several reasons why this is thought to be the case.

It is said that the land was bought by the Trust in the 1930’s for the local people of Yarmouth to use for recreation. This has been demonstrated through several contemporary paper clippings regarding the opening of ‘The Rec’. Because of this the Trust has permitted its use, which would be contrary to the test of “as of right”. For this to be true it is necessary

that the people using the land during the 20 years test period (1989 - 2009) were aware of this fact. It is unlikely that they would be aware of these articles in the local paper printed almost 60 – 80 years before. For the general public to be made aware of the permissive use it is necessary that it is advertised. This may be on signs at each entrance of the ‘The Rec’, local notice boards etc. From the evidence submitted this does not seem to have been done.

The objectors state that there are signs on each gate that permit and regulate the use of the land by the locals. What the objectors are describing is a permissive sign allowing activities to occur by the permission of the owners. This has been tested in many village green cases taken to appeal and Supreme Court. Recent cases testing this are *R (Lewis) -v- Redcar and Cleveland Borough Council* and *R (on the application of Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust) -v- Oxfordshire County Council*. Both cases discuss the signs and the manner they are worded. It is thought that they must be clear and unambiguous in their interpretation. Permissive signs must be worded to demonstrate that the use by local inhabitants is subject to the temporary and revocable permission of the landowner, for example: “[the landowner] grants permission for the recreational use of this land within the area shaded red on the plan until further notice. Please note that this permission may be withdrawn at any time.”

The signs in place at the “Rec” read as follows: **“Yarmouth Town Council. No Vehicles, No Cycling. No Horses. No Dog Fouling. All Dogs to be kept on a lead. Yarmouth Town Council accepts no responsibility for any injury damage or loss howsoever caused. By order of the clerk.”** This sign does not state the owner or give and remove permission of use. For this reason it can not be considered a permissive sign. What is implied is that certain activities should not be carried out. The evidence provided in support of the application showed many activities being carried out; of these only one would be excluded because of this sign. Due to this it could be considered that all other activities being carried out beyond those described on the sign were being so with the impression they had the right to.

It is said by the objector that the Pavilion and changing room have a distinct purpose that would indicate that specific permission has been given as to their use. This is correct in terms of the changing room as the building remains locked until in use by the football players. As such the area of land the footprint of the changing rooms stands on can not be proven as of right. However the use of the children’s playground whilst being distinct as to its purpose can still be thought to be used as of right by all members of the public. Whilst its specific purpose is directed to small children it would not preclude the space being used by other members of the public as described in the applicant’s rebuttal to the objections. This use would still be considered as of right.

The objector states that several of those who have filled in questionnaires in support of the application say that they are unaware of the ownership of the land. However through association with the Trust they would know that it belongs to the Trust. There are 12 people listed, some ex members of the Trust, others being tenants or have worked for the trust. Whilst ownership may have been known it is considered that this wouldn’t preclude them thinking they could use the area as of right. If the 12 were discounted from the 27 questionnaires it would leave 15 questionnaires that give the general assumption that the area is used by a wider section of the general public than those 15. It is thought that due to the lack of clear signs that they also assume they could use the area as of right.

The objectors state that the applicants were blocked from using a large majority of ‘The Rec’ when Yarmouth and Calbourne Football Club were using the pitch for official matches and training purposes. As such it is thought by the objectors that members of the public gave deference to those who lease the land for the purpose of playing football. This is to

say that they gave up their right favour of the footballers. A similar situation has been tested in the Supreme Court, this being the '*R v Redcar and Cleveland Borough Council*' case. In this case it was initially thought that members of the public gave deference to users of a golf course and as such gave up their right. However it was over turned in the Supreme Court where leading judgment was given by Lord Walker: '*I have great difficulty in seeing how a reasonable owner would have concluded that the residents were not asserting a right to take recreation on the disputed land, simply because they normally showed civility towards members of the golf club who were out playing golf. It is not as if the residents took to their heels and vacated the land whenever they saw a golfer. They simply acted...with courtesy and common sense*' [paragraph 36 of the Supreme Court judgment]. It may be considered that the locals in this case were also showing common sense and courtesy when football matches were in play. During this time the other areas of 'The Rec' would have been used for lawful sports and pastimes. It may be also thought the same courtesy was used when encountering anyone who was using 'The Rec'.

## CONCLUSION:

On the basis of the written evidence submitted the applicant appears to **have proven** that, on the balance of probabilities, the area of 'The Rec' labelled Y on Plan C in Appendix B has been used as of right for the purposes of the definition in Section 15(2) of the Commons Act 2006.

On the basis of the written evidence submitted the applicant appears **not to have proven** that, on the balance of probabilities, the area of 'The Rec' labelled Z on Plan C in Appendix B has been used as of right for the purposes of the definition of Section 15(2) of the Commons Act 2006.

### 53. For not less than 20 years

The "20 years" claimed must be the full twenty years without interruption. It is necessary to show that the land was available for use and the inhabitants used the land for recreation for the whole of the twenty year period.

#### a) Applicant's evidence

The applicant says in the evidence provided with the application that the land was used without interruption for a twenty year period between 1989 and 2009. The questionnaires say that at no time whilst using 'The Rec' was they asked to leave or prevented from using the area.

#### b) Objector's evidence

The objectors refute that they locals were not prevented from using the area over the twenty year period detailed in the application. They state:

- The children's play area is fenced off and its use is restricted to younger children and accompanying adults.
- The land was levelled to improve the pitch in 1985 and would have prevented use.
- The Trust leases the land to Yarmouth and Calbourne Football Club who use it for Football matches and training sessions. As such during these periods of time the locals are prevented from using the pitch and pavilion area. It is stated that there are

26 league matches plus home cup ties from 5 different cups, 4 pre-season friendly match and weekly training sessions.

c) Evaluation of the Evidence

The three points made by the objectors all state that the use of the land was restricted over a long period or in many short periods.

It is thought by the objectors that as the children's playground area is fenced and it would prevent use. However, as the fence has a gate that is never locked, access is not prevented to local members to the public. The fence just prevents dogs from entering. To reinforce this there is a sign on the gate asking that no dogs are to be allowed in this area.

The level of the football pitch did occur to improve the quality of the playing surface. This would have barred access from a large area of 'The Rec'. However this occurred outside the period of the 20 years stated in the application and as such can not be considered when determining the application against the four tests to make a village green.

It is said by the objectors that the members of the public were obstructed from using a large area of the land because Yarmouth and Calbourne football club play matches and have training sessions on the pitch. This, as already stated, is considered to be courtesy and common sense similar to the *Redcar and Cleveland Borough Council* case. However if looked at in terms of length of time there was an obstruction, it is seen that based on information submitted this would have been for roughly 124 hours per year in 2 to 3 hour periods. It is seen that 'The Rec' is open all the time for public access. If it were only used in day light this roughly equates to the area being available 4362 hours a year excluding the time it is used for football. This is not a sizable obstruction to public use. As such the period of time said to have obstructed the members of the public from using the area would be insufficient to say they have not used the land concurrently for 20 years.

It is seen that there was obstruction of the use of the changing room as this is locked for the majority of the year. As such this piece of land can not be registered as a village green.

On the basis of the written evidence submitted the applicant appears to **have proven** that, on the balance of probabilities, the area of 'The Rec' labelled Y on Plan C in Appendix B has been used for used for a period of not less than 20 years for the purposes of the definition of Section 15(2) of the Commons Act 2006.

On the basis of the written evidence the applicant appears **not to have proven** that, on the balance of probabilities, the area of 'The Rec' labelled Z on Plan C in Appendix B has been used for a period of not less than 20 years for the purposes of the definition of Section 15(2) of the Commons Act 2006.

54. Additional Note:

Concern has been raised regarding the continuation of the lease of the land by Yarmouth and Calbourne Football Club. As already stated there are similarities between this case and the *Redcar and Cleveland Borough Council* case where there were also concerns regarding the public use of the golf course. In this case it was thought in that there should be no conflict between the two uses as conflict had not occurred prior to the registration and use will not change. From this it is reasonable to think that the use of 'The Rec' for football and for the general public can also run concurrently as it has for many years without conflict.

## RECOMMENDATION

If, on the basis of the written evidence submitted, the committee is satisfied that the burden of proof required to register a town or village green has been discharged by the applicant then:

Option (c). As only part of the land satisfies all the statutory conditions for registration – that part of the land may be registered as a town or village green. Namely:

- That the application in respect of the part of the land shown marked Y on Plan C in Appendix B **is registered** as a town or village green.
- That the application in respect of the part of the land shown marked Z on Plan C in Appendix B **is not registered** as a town or village green.

**If the committee considers that the conflicting nature of the evidence is insufficient to fairly determine the application, the following must be applied:**

Option (d) That an independent inspector be appointed to review the written evidence and, if appropriate, seek additional oral evidence and report back to the committee.

## APPENDICES ATTACHED

[Appendix A](#) - Background Acts.

[Appendix B](#) - Plans

[Appendix C](#) - Application and supporting papers.

[Appendix D](#) - Summary of, and supporting statements.

[Appendix E](#) - Summary of, and letters of support.

[Appendix F](#) - Summary of, and papers of objection.

[Appendix G](#) - Comment

[Appendix H](#) - Responses to objections.

[Appendix I](#) - Land Registry, Equality Impact Assessment, Photos.

## BACKGROUND PAPERS

### Legislation

Commons Act 2006 [http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga\\_20060026\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060026_en.pdf)

Commons Registration Act 1965 (as amended by CROWA 2000).

<http://www.legislation.gov.uk/ukpga/1965/64>

Equality Act 2010. [http://www.equalities.gov.uk/equality\\_act\\_2010.aspx](http://www.equalities.gov.uk/equality_act_2010.aspx)

Human Rights Act 1998. <http://www.legislation.gov.uk/ukpga/1998/42/contents>

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